

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, FEBRUARY 2, 2005

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JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 2, 2005

The House met pursuant to adjournment at 8:54 a.m., Speaker Rants in the chair.

Prayer was offered by Don Bramschreiber, lay pastor of the First Baptist Church, Ottumwa. He was the guest of Representative Mary Gaskill from Wapello County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, February 1, 2005 was approved.

INTRODUCTION OF BILLS

[House File 173](#), by committee on public safety, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing penalties.

Read first time and placed on the **calendar**.

[House File 174](#), by committee on human resources, a bill for an act relating to the penalties for a payor who knowingly fails to withhold income or pay amounts withheld under a support order.

Read first time and placed on the **calendar**.

[House File 175](#), by committee on judiciary, a bill for an act relating to the names of business entities.

Read first time and placed on the **calendar**.

[House File 176](#), by Petersen, Kressig and Maddox, a bill for an act requiring every insurer offering certain individual or group health insurance policies to provide coverage for certain enteral formulas.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 177](#), by Murphy, a bill for an act providing for the length of term for legislative appointments to appointed boards and commissions and providing an effective and applicability date.

Read first time and referred to committee on **administration and rules**.

[House File 178](#), by Raecker, a bill for an act providing for the inclusion of foreign exchange students in the actual enrollment of a school district.

Read first time and referred to committee on **education**.

[House File 179](#), by Petersen, Huser, Wise and Dandekar, a bill for an act requiring employers to grant leaves of absence for crime victims to attend court proceedings and making penalties applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 180](#), by Arnold, Van Engelenhoven, J.R. Van Fossen and Rasmussen, a bill for an act relating to free resident landowner deer and turkey hunting licenses.

Read first time and referred to committee on **natural resources**.

[House File 181](#), by Hogg, a bill for an act requiring carbon monoxide detectors in certain multiple-unit residential buildings and making penalties applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 182](#), by Hunter, a bill for an act requiring the establishment of emergency plans and procedures for dialysis patients.

Read first time and referred to committee on **human resources**.

[House File 183](#), by Maddox, a bill for an act relating to the confidentiality of certain information relating to homeless individuals.

Read first time and referred to committee on **state government**.

[House File 184](#), by Heddens and Heaton, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

Read first time and referred to committee on **human resources**.

[House File 185](#), by Petersen, Huser, Wise, Struyk, Raecker, Elgin, Quirk, Dandekar and Hoffman, a bill for an act relating to small business development centers and making an appropriation.

Read first time and referred to committee on **economic growth**.

[House File 186](#), by committee on ways and means, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

Read first time and placed on the **ways and means calendar**.

[House File 187](#), by committee on ways and means, a bill for an act relating to the utility replacement tax task force.

Read first time and placed on the **ways and means calendar**.

[House File 188](#), by Ford, a bill for an act relating to application procedures and requirements for issuance of a driver's license or nonoperator's identification card to a noncitizen.

Read first time and referred to committee on **transportation**.

House File 189, by Huser and Raecker, a bill for an act relating to political campaigns by requiring attribution statements for political polls, limiting campaign contributions for statewide and legislative elections, and imposing a penalty for falsely filing a complaint with the ethics and campaign disclosure board.

Read first time and referred to committee on **state government**.

House File 190, by committee on human resources, a bill for an act expanding the duties of the child death review team and making a penalty applicable.

Read first time and placed on the **calendar**.

ADOPTION OF **HOUSE CONCURRENT RESOLUTION 3**

Roberts of Carroll called up for consideration **House Concurrent Resolution 3** as follows:

1 **House Concurrent Resolution 3.**
2 By Committee on Administration and Rules
3 A Concurrent Resolution relating to joint rules of
4 the Senate and House of Representatives for the
5 ~~Eightieth~~ **Eighty-first** General Assembly.
6 *Be It Resolved By The House Of Representatives, The*
7 *Senate Concurring,* That the joint rules of the Senate
8 and House of Representatives for the ~~Eightieth~~ **Eighty-**
9 **first** General Assembly shall be:
10 JOINT RULES OF THE
11 SENATE AND HOUSE
12 Rule 1
13 Suspension of Joint Rules
14 The joint rules of the general assembly may be
15 suspended by concurrent resolution, duly adopted by a
16 constitutional majority of the senate and the house.
17 Rule 2
18 Designation of Sessions
19 Each regular session of a general assembly shall be
20 designated by the year in which such regular session
21 commences.
22 Rule 3
23 Sessions of a General Assembly
24 The election of officers, organization, hiring and
25 compensation of employees, and standing committees in
26 each house of the general assembly and action taken by
27 each house shall carry over from the first to the

28 second regular session and to any extraordinary
29 session of the same general assembly. The status of
30 each bill and resolution shall be the same at the

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1 beginning of each second session as it was immediately
2 before adjournment of the previous regular or
3 extraordinary session; however the rules of either
4 house may provide for re-referral of some or all bills
5 and resolutions to standing committees upon
6 adjournment of each session or at the beginning of a
7 subsequent regular or extraordinary session, except
8 those which have been adopted by both houses in
9 different forms.

10 Upon final adoption of a concurrent resolution at
11 any extraordinary session affecting that session, or
12 at a regular session affecting any extraordinary
13 session which may be held before the next regular
14 session, the creation of any calendar by either house
15 shall be suspended and the business of the session
16 shall consist solely of those bills or subject matters
17 stated in the resolution adopted. Bills named in the
18 resolution, or bills containing the subject matter
19 provided for in the resolution, may, at any time, be
20 called up for debate in either house by the majority
21 leader of that house.

22 Rule 3A

23 International Relations Protocol

24 The senate and the house of representatives shall
25 comply with the international relations protocol
26 policy adopted by the international relations
27 committee of the legislative council.

28 Rule 4

29 Presentation of Messages

30 All messages between the two houses shall be sent

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1 by the secretary of the senate or the chief clerk of
2 the house of representatives, shall be communicated to
3 the presiding officer.

4 Rule 5

5 Printing and Form of Bills
6 and Other Documents

7 Bills and joint resolutions shall be introduced,
8 numbered, prepared, and printed as provided by law, or
9 in the absence of such law, in a manner determined by
10 the secretary of the senate and the chief clerk of the
11 house of representatives. Proposed bills and
12 resolutions which are not introduced but are referred
13 to committee shall be tracked in the legislative

14 computer system as are introduced bills and
15 resolutions. The referral of proposed bills and
16 resolutions to committee shall be entered in the
17 journal.
18 All bills and joint resolutions introduced shall be
19 in a form and number approved by the secretary of the
20 senate and chief clerk of the house.
21 The legal counsel's office of each house shall
22 approve all bills before introduction.
23 Rule 6
24 Companion Bills
25 Identical bills introduced in each house shall be
26 called companion bills. Each house shall designate
27 the sponsor in the usual way followed in parentheses
28 by the sponsor of the companion bill in the other
29 house. The house where the bill is first introduced
30 shall print the complete text.

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1 Rule 7
2 Reprinting of Bills
3 Whenever any bill has been substantially amended by
4 either house, the secretary of the senate or the chief
5 clerk of the house shall order the bill reprinted on
6 paper of a different color. All adopted amendments
7 shall be distinguishable.
8 The secretary of the senate or the chief clerk of
9 the house may order the printing of a reasonable
10 number of additional copies of any bill, resolution,
11 amendment, or journal.
12 Rule 8
13 Daily Clip Sheet
14 The secretary of the senate and the chief clerk of
15 the house shall prepare a daily clip sheet covering
16 all amendments filed.
17 Rule 9
18 Reintroduction of Bills and Other Measures
19 A bill or resolution which has passed one house and
20 is rejected in the other shall not be introduced again
21 during that general assembly.
22 Rule 10
23 Certification of Bills and Other Enrollments
24 When any bill or resolution which has passed one
25 house is rejected or adopted in the other, notice of
26 such action and the date thereof shall be given to the
27 house of origin in writing signed by the secretary of
28 the senate or the chief clerk of the house.
29 Rule 11
30 Code Editor's Correction Bills

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1 A bill recommended by the Code editor which is
2 passed out of committee to the floor for debate by a
3 committee of the house or senate within the first four
4 weeks of convening of a legislative session and which
5 contains Code corrections of a nonsubstantive nature
6 shall not be amended on the floor of either house
7 except pursuant to corrective or nonsubstantive
8 amendments filed by the judiciary committee of the
9 senate or the house. Such committee amendments,
10 whether filed at the time of initial committee passage
11 of the bill to the floor for debate or after
12 rereferral to the committee, shall not be incorporated
13 into the bill in the originating house but shall be
14 filed separately. Amendments filed from the floor to
15 strike sections of the bill or the committee
16 amendments shall be in order. Following amendment and
17 passage by the second house, only amendments filed
18 from the floor which strike sections of the amendment
19 of the second house shall be in order.
20 A bill recommended by the Code editor which is
21 passed out of committee to the floor for debate by a
22 committee of the house or senate within the first four
23 weeks of convening of a legislative session and which
24 contains Code corrections beyond those of a
25 nonsubstantive nature shall not be amended on the
26 floor of either house except pursuant to amendments
27 filed by the judiciary committee of the senate or the
28 house. Such committee amendments, whether filed at
29 the time of initial committee passage of the bill to
30 the floor for debate or after rereferral to the

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1 committee, shall not be incorporated into the bill in
2 the originating house but shall be filed separately.
3 Such a bill shall be limited to corrections which:
4 Adjust language to reflect current practices, insert
5 earlier omissions, delete redundancies and
6 inaccuracies, delete temporary language, resolve
7 inconsistencies and conflicts, update ongoing
8 provisions, and remove ambiguities. Amendments filed
9 from the floor to strike sections of the bill or the
10 committee amendments shall be in order. Following
11 amendment and passage by the second house, only
12 amendments filed from the floor which strike sections
13 of the amendment of the second house shall be in
14 order.

Rule 12

Amendments by Other House

15
16
17 1. When a bill which originated in one house is

18 amended in the other house, the house originating the
19 bill may amend the amendment, concur in full in the
20 amendment, or refuse to concur in full in the
21 amendment. Precedence of motions shall be in that
22 order. The amendment of the other house shall not be
23 ruled out of order based on a question of germaneness.
24 a. If the house originating the bill concurs in
25 the amendment, the bill shall then be immediately
26 placed upon its final passage.
27 b. If the house originating the bill refuses to
28 concur in the amendment, the bill shall be returned to
29 the amending house which shall either:
30 (1) Recede, after which the bill shall be read for

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1 the last time and immediately placed upon its final
2 passage; or
3 (2) Insist, which will send the bill to a
4 conference committee.
5 c. If the house originating the bill amends the
6 amendment, that house shall concur in the amendment as
7 amended and the bill shall be immediately placed on
8 final passage, and shall be returned to the other
9 house. The other house cannot further amend the bill.
10 (1) If the amending house which gave second
11 consideration to the bill concurs in the amendment to
12 the amendment, the bill shall then be immediately
13 placed upon its final passage.
14 (2) If the amending house refuses to concur in the
15 amendment to the amendment, the bill shall be returned
16 to the house originating the bill which shall either:
17 (a) Recede, after which the bill shall be read for
18 the last time as amended and immediately placed upon
19 its final passage; or
20 (b) Insist, which will send the bill to a
21 conference committee.
22 2. A motion to recede has precedence over a motion
23 to insist. Failure to recede means to insist; and
24 failure to insist means to recede.
25 3. A motion to lay on the table or to indefinitely
26 postpone shall be out of order with respect to motions
27 to recede from or insist upon and to amendments to
28 bills which have passed both houses.
29 4. A motion to concur, refuse to concur, recede,
30 insist, or adopt a conference committee report is in

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1 order even though the subject matter has previously
2 been acted upon.
3 Rule 13

4 Conference Committee

5 1. Within one legislative day after either house
6 insists upon an amendment to a bill, the presiding
7 officer of the house, after consultation with the
8 majority leader, shall appoint three majority party
9 members and, after consultation with the minority
10 leader, shall appoint two minority party members to a
11 conference committee. The majority leader of the
12 senate, after consultation with the president, shall
13 appoint three majority party members and, after
14 consultation with and approval by the minority leader,
15 shall appoint two minority party members to a
16 conference committee. The papers shall remain with
17 the house that originated the bill.

18 2. The conference committee shall meet before the
19 end of the next legislative day after their
20 appointment, shall select a chair and shall discuss
21 the controversy.

22 3. The authority of the first conference committee
23 shall cover only issues related to provisions of the
24 bill and amendments to the bill which were adopted by
25 either the senate or the house of representatives and
26 on which the senate and house of representatives
27 differed. If a conference committee report is not
28 acted upon because such action would violate this
29 subsection of this rule, the inaction on the report
30 shall constitute refusal to adopt the conference

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1 committee report and shall have the same effect as if
2 the conference committee had disagreed.

3 4. An agreement on recommendations must be
4 approved by at least three members from each house.
5 The committee shall submit two originals of the report
6 signed by at least three members of each house with
7 one signed original and three copies to be submitted
8 to each house. The report shall first be acted upon
9 in the house originating the bill. Such action,
10 including all papers, shall be immediately referred by
11 the secretary of the senate or the chief clerk of the
12 house of representatives to the other house.

13 5. The report of agreement is debatable, but
14 cannot be amended. If the report contains recommended
15 amendments to the bill, adoption of the report shall
16 automatically adopt all amendments contained therein.
17 After the report is adopted, there shall be no more
18 debate, and the bill shall immediately be placed upon
19 its final passage.

20 6. Refusal of either house to adopt the conference
21 committee report has the same effect as if the
22 committee had disagreed.

23 7. If the conference committee fails to reach
24 agreement, a report of such failure signed by at least
25 three members of each house shall be given promptly to
26 each house. The bill shall be returned to the house
27 that originated the bill, the members of the committee
28 shall be immediately discharged, and a new conference
29 committee appointed in the same manner as the first
30 conference committee.

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1 8. The authority of a second or subsequent
2 conference committee shall cover free conference
3 during which the committee has authority to propose
4 amendments to any portion of a bill provided the
5 amendment is within the subject matter content of the
6 bill as passed by the house of origin or as amended by
7 the second house.

8 Rule 14

9 Enrollment and Authentication of Bills

10 A bill or resolution which has passed both houses
11 shall be enrolled in the house of origin under the
12 direction of either the secretary or the chief clerk
13 and its house of origin shall be certified by the
14 endorsement of the secretary of the senate or the
15 chief clerk of the house.

16 After enrollment, each bill shall be signed by the
17 president of the senate and by the speaker of the
18 house.

19 Rule 15

20 Concerning Other Enrollments

21 All resolutions and other matters which are to be
22 presented to the governor for approval shall be
23 enrolled, signed, and presented in the same manner as
24 bills.

25 All resolutions and other matters which are not to
26 be presented to the governor or the secretary of state
27 shall be enrolled, signed, and retained permanently by
28 the secretary of the senate or chief clerk of the
29 house.

30 Rule 16

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1 Transmission of Bills to the Governor

2 After a bill has been signed in each house, it
3 shall be presented by the house of origin to the
4 governor by either the secretary of the senate or the
5 chief clerk of the house. The secretary or the chief
6 clerk shall report the date of the presentation, which
7 shall be entered upon the journal of the house of
8 origin.

9 Rule 17

10 Fiscal Notes

11 A fiscal note shall be attached to any bill or
12 joint resolution which reasonably could have an annual
13 effect of at least one hundred thousand dollars or a
14 combined total effect within five years after
15 enactment of five hundred thousand dollars or more on
16 the aggregate revenues, expenditures, or fiscal
17 liability of the state or its subdivisions. This rule
18 does not apply to appropriation and ways and means
19 measures where the total effect is stated in dollar
20 amounts.

21 Each fiscal note shall state in dollars the
22 estimated effect of the bill on the revenues,
23 expenditures, and fiscal liability of the state or its
24 subdivisions during the first five years after
25 enactment. The information shall specifically note
26 the fiscal impact for the first two years following
27 enactment and the anticipated impact for the
28 succeeding three years. The fiscal note shall specify
29 the source of the information. Sources of funds for
30 expenditures under the bill shall be stated, including

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1 federal funds. If ~~the fiscal director cannot make an~~
2 accurate estimate ~~cannot be made~~, the ~~director~~ fiscal
3 note shall state the best available estimate or shall
4 state that no dollar estimate can be made and state
5 concisely the reason.

6 The preliminary determination of whether the bill
7 appears to require a fiscal note shall be made by the
8 legal services staff of the legislative service bureau
9 ~~which shall send a copy of the request to the~~
10 ~~legislative fiscal bureau unless services agency.~~
11 Unless the requestor specifies the request is to be
12 confidential. ~~Upon, upon~~ completion of the bill
13 draft, the ~~legislative service bureau~~ legal services
14 staff shall immediately send a copy to the legislative
15 fiscal services director for review.

16 When a committee reports a bill to the floor, the
17 committee shall state in the report whether a fiscal
18 note is or is not required.

19 The ~~legislative~~ fiscal services director ~~or the~~
20 director's designee shall review all bills placed on
21 the senate or house calendars to determine whether the
22 bills are subject to this rule.

23 Additionally, a legislator may request the
24 preparation of a fiscal note by the ~~legislative~~ fiscal
25 bureau services staff for any bill or joint resolution
26 introduced which reasonably could be subject to this
27 rule.

28 The ~~legislative~~ fiscal ~~services~~ director ~~or the~~
29 ~~director's designee~~ shall cause to be prepared and
30 shall approve a fiscal note within a reasonable time

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1 after receiving a request or determining that a bill
2 is subject to this rule. All fiscal notes approved by
3 the ~~legislative~~ fiscal ~~bureau~~ ~~services~~ director ~~or the~~
4 ~~director's designee~~ shall be transmitted immediately
5 to the secretary of the senate or the chief clerk of
6 the house, after notifying the sponsor of the bill
7 that a fiscal note has been prepared, for publication
8 in the daily clip sheet. The secretary of the senate
9 or chief clerk of the house shall attach the fiscal
10 note to the bill as soon as it is available.

11 The ~~legislative~~ fiscal ~~services~~ director may
12 request the cooperation of any state department or
13 agency in preparing a fiscal note.

14 A revised fiscal note may be requested by a
15 legislator if the fiscal effect of the bill has been
16 changed by adoption of an amendment. However, a
17 request for a revised fiscal note shall not delay
18 action on a bill unless so ordered by the presiding
19 officer of the house in which the bill is under
20 consideration.

21 If a date for adjournment has been set, then a
22 constitutional majority of the house in which the bill
23 is under consideration may waive the fiscal note
24 requirement during the three days prior to the date
25 set for adjournment.

26 Rule 18

27 Legislative Interns

28 Legislators may arrange student internships during
29 the legislative session with Iowa college, university,
30 or law school students, for which the students may

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1 receive college credit at the discretion of their
2 schools. Each legislator is allowed only one intern
3 at a time per legislative session, and all interns
4 must be registered with the offices of the secretary
5 of the senate and the chief clerk of the house.

6 The purpose of the legislative intern program shall
7 be: to provide useful staff services to legislators
8 not otherwise provided by the general assembly; to
9 give interested college, graduate, and law school
10 students practical experience in the legislative
11 process as well as providing a meaningful educational
12 experience; and to enrich the curriculum of
13 participating colleges and universities.

14 The secretary of the senate and the chief clerk of
15 the house or their designees shall have the following
16 responsibilities as regards the legislative intern
17 program:

18 1. Identify a supervising faculty member at each
19 participating institution who shall be responsible for
20 authorizing students to participate in the intern
21 program.

22 2. Provide legislators with a list of
23 participating institutions and the names of
24 supervising professors to contact if interested in
25 arranging for an intern.

26 3. Provide interns with name badges which will
27 allow them access to the floor of either house when
28 required to be present by the legislators for whom
29 they work.

30 4. Provide orientation materials to interns prior

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1 to the convening of each session.

2 Rule 19

3 Administrative Rules Review Committee Bills
4 and Rule Referrals

5 A bill which relates to departmental rules and
6 which is approved by the administrative rules review
7 committee by a majority of the committee's members of
8 each house is eligible for introduction in either
9 house at any time and must be referred to a standing
10 committee, which must take action on the bill within
11 three weeks of referral, except bills referred to
12 appropriations and ways and means committees.

13 If, on or after July 1, 1999, the administrative
14 rules review committee delays the effective date of a
15 rule until the adjournment of the next regular session
16 of the general assembly and the speaker of the house
17 or the president of the senate refers the rule to a
18 standing committee, the standing committee shall
19 review the rule within twenty-one days of the referral
20 and shall take formal committee action by sponsoring a
21 joint resolution to disapprove the rule, by proposing
22 legislation relating to the rule, or by refusing to
23 propose a joint resolution or legislation concerning
24 the rule. The standing committee shall inform the
25 administrative rules review committee of the committee
26 action taken concerning the rule.

27 Rule 20

28 Time of Committee Passage and Consideration of Bills

29 1. This rule does not apply to concurrent or
30 simple resolutions, joint resolutions nullifying

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1 administrative rules, senate confirmations, or bills
2 passed by both houses in different forms. Subsection
3 2 of this rule does not apply to appropriations bills,
4 ways and means bills, government oversight bills,
5 legalizing acts, administrative rules review committee
6 bills, bills sponsored by standing committees in
7 response to a referral from the president of the
8 senate or the speaker of the house of representatives
9 relating to an administrative rule whose effective
10 date has been delayed until the adjournment of the
11 next regular session of the general assembly by the
12 administrative rules review committee, bills
13 cosponsored by majority and minority floor leaders of
14 one house, bills in conference committee, and
15 companion bills sponsored by the majority floor
16 leaders of both houses after consultation with the
17 respective minority floor leaders. For the purposes
18 of this rule, a joint resolution is considered as a
19 bill. To be considered an appropriations, ways and
20 means, or government oversight bill for the purposes
21 of this rule, the appropriations committee, the ways
22 and means committee, or the government oversight
23 committee must either be the sponsor of the bill or
24 the committee of first referral in the originating
25 house.
26 2. To be placed on the calendar in the house of
27 origin, a bill must be first reported out of a
28 standing committee by Friday of the 9th week of the
29 first session and the 8th week of the second session.
30 To be placed on the calendar in the other house, a

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1 bill must be first reported out of a standing
2 committee by Friday of the 13th week of the first
3 session and the 11th week of the second session.
4 3. During the 11th week of the first session and
5 the 9th week of the second session, each house shall
6 consider only bills originating in that house and
7 unfinished business. During the 14th week of the
8 first session and the 12th week of the second session,
9 each house shall consider only bills originating in
10 the other house and unfinished business. Beginning
11 with the 15th week of the first session and the 13th
12 week of the second session, each house shall consider
13 only bills passed by both houses, bills exempt from
14 subsection 2, and unfinished business.
15 4. A motion to reconsider filed and not disposed
16 of on an action taken on a bill or resolution which is
17 subject to a deadline under this rule may be called up

18 at any time before or after the day of the deadline by
19 the person filing the motion or after the deadline by
20 the majority floor leader, notwithstanding any other
21 rule to the contrary.

22 Rule 21

23 Resolutions

24 1. A "concurrent resolution" is a resolution to be
25 adopted by both houses of the general assembly which
26 expresses the sentiment of the general assembly or
27 deals with temporary legislative matters. It may
28 authorize the expenditure, for any legislative
29 purpose, of funds appropriated to the general
30 assembly. A concurrent resolution is not limited to,

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1 but may provide for a joint convention of the general
2 assembly, adjournment or recess of the general
3 assembly, or requests to a state agency or to the
4 general assembly or a committee. A concurrent
5 resolution requires the affirmative vote of a majority
6 of the senators or representatives present and voting
7 unless otherwise specified by statute. A concurrent
8 resolution does not require the governor's approval
9 unless otherwise specified by statute. A concurrent
10 resolution shall be filed with the secretary of the
11 senate or the chief clerk of the house. A concurrent
12 resolution shall be printed in the bound journal after
13 its adoption.

14 2. A "joint resolution" is a resolution which
15 requires for approval the affirmative vote of a
16 constitutional majority of each house of the general
17 assembly. A joint resolution which appropriates funds
18 or enacts temporary laws must contain the clause "Be
19 It Enacted by the General Assembly of the State of
20 Iowa:", is equivalent to a bill, and must be
21 transmitted to the governor for his approval. A joint
22 resolution which proposes amendments to the
23 Constitution of the State of Iowa, ratifies amendments
24 to the Constitution of the United States, proposes a
25 request to Congress or an agency of the government of
26 the United States of America, proposes to Congress an
27 amendment to the Constitution of the United States of
28 America, nullifies an administrative rule, or creates
29 a special commission or committee must contain the
30 clause "Be It Resolved by the General Assembly of the

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1 State of Iowa:" and shall not be transmitted to the
2 governor. A joint resolution shall not amend a
3 statute in the Code of Iowa.

4 Rule 22

5 Nullification Resolutions

6 A "nullification resolution" is a joint resolution
7 which nullifies all of an administrative rule, or a
8 severable item of an administrative rule adopted
9 pursuant to chapter 17A of the Code. A nullification
10 resolution shall not amend an administrative rule by
11 adding language or by inserting new language in lieu
12 of existing language.

13 A nullification resolution is debatable, but cannot
14 be amended on the floor of the house or senate. The
15 effective date of a nullification resolution shall be
16 stated in the resolution. Any motions filed to
17 reconsider adoption of a nullification resolution must
18 be disposed of within one legislative day of the
19 filing.

20 Rule 23

21 Consideration of Vetoes

22 1. The senate and house calendar shall include a
23 list known as the "Veto Calendar." The veto calendar
24 shall consist of:

25 a. Bills returned to that house by the governor in
26 accordance with Article III, section 16 of the
27 Constitution of the State of Iowa.

28 b. Appropriations items returned to that house by
29 the governor in accordance with Article III, section
30 16 of the Constitution of the State of Iowa.

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1 c. Bills and appropriations items received from
2 the other house after that house has voted to override
3 a veto of them by the governor.

4 2. Vetoed bills and appropriations items shall
5 automatically be placed on the veto calendar upon
6 receipt. Vetoed bills and appropriations items shall
7 not be referred to committee.

8 3. Upon first publication in the veto calendar,
9 the senate majority leader or the house majority
10 leader may call up a vetoed bill or appropriations
11 item at any time.

12 4. The affirmative vote of two-thirds of the
13 members of the body by record roll call is required on
14 a motion to override an executive veto or item veto.

15 5. A motion to override an executive veto or item
16 veto is debatable. A vetoed bill or appropriation
17 item cannot be amended in this case.

18 6. The vote by which a motion to override an
19 executive veto or item veto passes or fails to pass
20 either house is not subject to reconsideration under
21 senate rule 24 or house rule 73.

22 7. The secretary of the senate or the chief clerk

23 of the house shall immediately notify the other house
24 of the adoption or rejection of a motion to override
25 an executive veto or item veto.
26 8. All bills and appropriations items on the veto
27 calendar shall be disposed of before adjournment sine
28 die, unless the house having a bill or appropriation
29 item before it declines to do so by unanimous consent.
30 9. Bills and appropriations items on the veto

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1 calendar are exempt from deadlines imposed by joint
2 rule 20.

Roberts of Carroll offered amendment [H-1018](#) filed by him as follows:

[H-1018](#)

1 Amend [House Concurrent Resolution 3](#) as follows:
2 1. Page 1, by inserting after line 21 the
3 following:
4 "Rule 2A
5 Equal Number of Elected Party Members in Senate
6 If the senate has an equal number of elected party
7 members, all references in these rules to powers and
8 duties of the president shall apply to powers and
9 duties to be shared equally by the two co-presidents
10 and all references in these rules to powers and duties
11 of the majority and minority leaders shall apply to
12 powers and duties to be shared equally by the two co-
13 floor leaders.
14 Notwithstanding the provisions of joint rule 13,
15 subsection 1, relating to the number of senate members
16 of conference committees and the appointing
17 authorities for those members, if the senate has an
18 equal number of elected party members, the two co-
19 floor leaders, after consultation with the two co-
20 presidents, shall jointly appoint six members to
21 conference committees created pursuant to joint rule
22 13."
23 2. Page 3, line 2, by inserting after the word
24 "representatives," the following: "and".
25 3. Page 5, by striking lines 3 and 4 and
26 inserting the following: "committee of the house or
27 senate ~~within the first four weeks of convening of a~~
28 ~~legislative session~~ and which".
29 4. Page 5, by striking lines 22 and 23 and
30 inserting the following: "committee of the house or
31 senate ~~within the first four weeks of convening of a~~
32 ~~legislative session~~ and which".

- 33 5. Page 6, by inserting after line 14 the
 34 following:
 35 "It is the intent of the house and the senate that
 36 such bills be passed out of committee to the floor for
 37 debate within the first four weeks of convening of a
 38 legislative session."
 39 6. Page 9, line 4, by striking the words "at
 40 least three" and inserting the following: "~~at least~~
 41 three a majority of the committee".
 42 7. Page 9, line 6, by striking the words "at
 43 least three" and inserting the following: "~~at least~~
 44 three a majority of the committee".
 45 8. Page 9, lines 24 and 25, by striking the words
 46 "at least three" and inserting the following: "~~at~~
 47 least three a majority of the committee".
 48 9. Page 10, line 12, by inserting after the word
 49 "secretary" the following: "of the senate".
 50 10. Page 10, line 12, by inserting after the word

Page 2

- 1 "clerk" the following: "of the house".

Roberts of Carroll offered the following amendment [H-1019](#), to amendment [H-1018](#), filed by him from the floor and moved its adoption:

[H-1019](#)

- 1 Amend the amendment, [H-1018](#), to House Concurrent
 2 Resolution 3 as follows:
 3 1. Page 1, by striking lines 6 through 22 and
 4 inserting the following:
 5 "As long as [Senate Resolution 1](#), as adopted during
 6 the 2005 regular legislative session, is in effect,
 7 the following shall apply:
 8 1. All references in these rules to powers and
 9 duties of the senate president or majority or minority
 10 leaders shall be interpreted in accordance with Senate
 11 Resolution 1.
 12 2. Notwithstanding joint rule 13, subsection 1,
 13 the senate co-floor leaders shall jointly appoint six
 14 members to conference committees created pursuant to
 15 joint rule 13 in accordance with Senate Resolution
 16 1."

Amendment [H-1019](#) was adopted.

On motion by Roberts of Carroll, amendment [H-1018](#), as amended, was adopted.

Roberts of Carroll moved the adoption of [House Concurrent Resolution 3](#), as amended.

The motion prevailed and the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House Concurrent Resolution 3](#) be immediately messaged to the Senate.

[SENATE FILE 75](#) REREFERRED

The Speaker announced that [Senate File 75](#), previously referred to committee on **state government** was rereferred to committee on **education**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 2, 2005, he approved and transmitted to the Secretary of State the following bill:

[Senate File 36](#), an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2005\291	Burdette and Ester Ewoldt, Paullina – For celebrating their 50 th wedding anniversary.
2005\292	Ray and Virginia Heiar, Dubuque – For celebrating their 50 th wedding anniversary.

2005\293	Paul and Dot Cabell, Albia – For celebrating their 60 th wedding anniversary.
2005\294	Harold and Della Parker, Albia – For celebrating their 60 th wedding anniversary.
2005\295	Ina Kretschmar, Davenport – For celebrating her 96 th birthday.
2005\296	Goldie Boese, Oskaloosa – For celebrating her 80 th birthday.
2005\297	Golda Sleeuwenhoek, Grinnell – For celebrating her 80 th birthday.
2005\298	Roberta Buffington, Oskaloosa – For celebrating her 80 th birthday.
2005\299	Sister Catherine Dunn, President of Clarke College, Dubuque – For her 22 years of dedicated service as Clarke College President.
2005\300	Della Merrill, Winthrop – For celebrating her 85 th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 159](#)

Natural Resources: Baudler, Chair; Arnold and Whitaker.

[House File 165](#)

Natural Resources: Arnold, Chair; D. Taylor and Upmeyer.

[House File 185](#)

Economic Growth: Struyk, Chair; Anderson and Dandekar.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 54](#)

Transportation: Huser, Chair; Arnold, Cohoon, S. Olson and Rasmussen.

[House Study Bill 80](#)

Transportation: Tjepkes, Chair; Huser and Rasmussen.

[House Study Bill 95](#)

Human Resources: Upmeyer, Chair; Jacoby and Wilderdyke.

[House Study Bill 96](#)

Human Resources: Tomenga, Chair; Kurtenbach and Smith.

[House Study Bill 97](#)

Human Resources: Lukan, Chair; Berry and Granzow.

[House Study Bill 98](#)

Human Resources: Wilderdyke, Chair; Carroll and Smith.

[House Study Bill 99](#)

Human Resources: Tymeson, Chair; Tomenga and Wendt.

[House Study Bill 100](#)

Human Resources: Tomenga, Chair; Heaton and Wendt.

[House Study Bill 101](#)

Human Resources: Upmeyer, Chair; Freeman and Hunter.

[House Study Bill 102](#)

Human Resources: Upmeyer, Chair; Hunter and Roberts.

[House Study Bill 103](#)

Human Resources: Freeman, Chair; Hunter and Roberts.

[House Study Bill 104](#)

Human Resources: Hutter, Chair; Berry and Kurtenbach.

[House Study Bill 105](#)

Human Resources: Granzow, Chair; Berry and Lukan.

[House Study Bill 107](#)

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

[House Study Bill 108](#)

Judiciary: Anderson, Chair; Paulsen and Smith.

[House Study Bill 110](#)

Human Resources: Upmeyer, Chair; Foege, Granzow, Heaton, Jacoby, Roberts and Smith.

[House Study Bill 111](#)

Commerce, Regulation and Labor: Horbach, Chair; Freeman and Oldson.

House Study Bill 112

Commerce, Regulation and Labor: Horbach, Chair; Struyk and Wise.

House Study Bill 113

Commerce, Regulation and Labor: Struyk, Chair; Freeman and Pettengill.

House Study Bill 114

Commerce, Regulation and Labor: Horbach, Chair; Freeman and Oldson.

House Study Bill 115

Judiciary: Kaufmann, Chair; Eichhorn and Wessel-Kroeschell.

House Study Bill 116

Commerce, Regulation and Labor: Horbach, Chair; Kressig and Struyk.

House Study Bill 117

Human Resources: Carroll, Chair; Smith and Wilderdyke.

House Study Bill 118

Judiciary: Maddox, Chair; Anderson and Wessel-Kroeschell.

House Study Bill 119

Education: Kaufmann, Chair; Mascher and Paulsen.

House Study Bill 120

Education: Carroll, Chair; Soderberg and Wise.

House Study Bill 121

Education: Tymeson, Chair; Chambers and Cohoon.

House Study Bill 122

Education: Kaufmann, Chair; Boal and Oldson.

House Study Bill 123

Government Oversight: Raecker, Chair; Alons and Thomas.

House Study Bill 124

Human Resources: Carroll, Chair; Foege, Heaton, Smith and Upmeyer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 125 Transportation

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly [House Study Bill 14](#)), relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2005.

On motion by Gipp of Winneshiek the House adjourned at 9:10 a.m., until 8:45 a.m., Thursday, February 3, 2005.